

KAWASAKI & CO

PATENT ATTORNEY

KEIHAN MARQUIS UMEDA 606

5-5 NISHITEMMA 4-CHOME KITAKU OSAKA 530 JAPAN

Telephone (06)-6361-2607 , Facsimili (06)-6361-2608 (G II, GIII)

JACOBSON, PRICE, HOLMAN & STERN

THE JENIFFER BUILDING

Your ref : 19051-072

400 SEVENTH STREET, N.W.

New ref : 12105/P64708USO

WASHINGTON , D.C. 20004

Our ref: PCT-98-10277(US)

TEL(202)638-6666 FAX(202)393-5350

February 6, 2001

Re: Declaration

U.S. Patent Application Serial No.09/403,603

Title :Electrode and Cell

Inventor(s):ARIMA et al.

Dear Mr.Nathaniel A.Humphries :

Thank you very much for your facsimi letter relating to the New Declaration of the above-identified application dated January 31, 2001 .

In the present situation , Mr.TSKAMOTO Hisashi would not completely sign and he would not explain the reasons by mail or by oral .

Relating to the circumstance that Why Mr.TSKAMOTO Hisashi refused to sign to the New Declaration , there are next facts ;

- (1) Mr.TSKAMOTO Hisashi retired the company (Japan storage Battery Co., Ltd.) November 1998, .
- (2)The reason of to retire the company was taking over his father's company. The company has no relationship to the Japan storage Battery Co.,Ltd.
- (3)However, just after retiring the company he has started competitive business to the before working company (Japan storage Battery Co.,Ltd.).

Still more, he has enticed three engineers away from the before working company .

Therefore, between Mr. TSKAMOTO Hisashi and the company (Japan storage Battery Co., Ltd. is now in opposite relationship .

- (4) The above-mentioned three engineers , when they were retiring the company, it was found out that they ran away with confidential documents and electronic informations of technology & additional matters. And between the Japan storage Battery Co., Ltd. and these three engineers is now legal competition .

We guess that the reason that Mr. TSKAMOTO Hisashi refused to sign to the New Declaration may be caused by the above-mentioned facts .

Yours very truly

Masaki Kawasaki

Masaki KAWASAKI (Patent attorney)

Reg No. 9060 (Japan)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoichiro ARIMA *et al.*

U.S. Appl. No. 09/403,603

Int. Appl. No.: PCT/JP98/01844

Int. Filing Date: October 22, 1999

For: ELECTRODE AND CELL

Art Unit: (Not yet assigned)

Examiner: (Not yet assigned)

Atty Docket: P64708US0

**DECLARATION UNDER 37 C.F.R. § 1.47 PROVIDING
PROOF OF FACTS IN SUPPORT OF INVENTOR'S REFUSAL TO SIGN**

I, Masaki KAWASAKI, declare that:

1. I am the author of the letters dated January 31, 2001, February 2, 2001, and February 6, 2001 appended hereto as Exhibits A, B, and C.
2. The facts surrounding my attempts to have Mr. Hisashi TSUKAMOTO sign the inventors' Declaration for the captioned application are as stated in Exhibits A, B, and C.
3. From the facts stated in Exhibits A, B, and C, I conclude that Hisashi TSUKAMOTO's conduct constitutes a refusal to sign the inventors' declaration.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the captioned application or any patent issuing thereon.

Date: February 8, 2001

By: Masaki Kawasaki
Masaki KAWASAKI